

COUNCIL OF THE COUNTY OF MAUI
GOVERNANCE, ETHICS, AND
TRANSPARENCY COMMITTEE

December 6, 2019

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Governance, Ethics, and Transparency Committee, having met on November 19, 2019, makes reference to County Communication 19-29, from Council Chair Kelly T. King, relating to litigation matters.

By correspondence dated June 25, 2019, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30181417769-0001 OF KRIST BAYBAYAN."

The purpose of the proposed resolution is to authorize the Department of the Corporation Counsel to settle the claim.

The Department also transmitted a copy of the claim and documentation relating to damages associated with the claim.

Your Committee notes Section 3.16.020(B), Maui County Code, requires Council authorization for any settlement of claims or civil litigation in excess of \$7,500.

A Deputy Corporation Counsel provided a brief overview of the case. He said the claim alleges damages Ms. Baybayan sustained after stepping into a hole near a picnic table at Napili Park, located at 50 Maiha Street, Lahaina, Maui, Hawaii, on July 5, 2018.

Because the case involves ongoing litigation, a Deputy Corporation Counsel requested the opportunity to convene an executive meeting.

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Your Committee voted to convene an executive meeting, closed to the public, to consult with legal counsel pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department, your Committee voted 7-0 to recommend adoption of the proposed resolution. Committee Chair Molina, Vice-Chair Rawlins-Fernandez, and members Kama, Lee, Paltin, Sinenci, and Sugimura voted "aye." Committee members Hokama and King were excused.

Your Governance, Ethics, and Transparency Committee RECOMMENDS that Resolution _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30181417769-0001 OF KRIST BAYBAYAN," be ADOPTED.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



MICHAEL J. MOLINA, Chair

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Resolution

No. _____

AUTHORIZING SETTLEMENT OF CLAIM NO. 30181417769-0001
OF KRIST BAYBAYAN

WHEREAS, Krist Baybayan filed Claim No. 30181417769-0001 on November 16, 2018, against the County of Maui for injuries she allegedly sustained at Napili Park at 50 Maiha Street, Lahaina, Maui, Hawaii, on July 5, 2018 from falling into a hole next to a picnic table; and

WHEREAS, the County of Maui and Krist Baybayan, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, will attempt to reach a proposed resolution of this claim by way of negotiated settlement, and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

WHEREAS, having reviewed the facts and circumstances regarding this matter and being advised of attempts to reach resolution of this claim by way of a negotiated settlement by the Department of the Corporation Counsel, the Council wishes to authorize settlement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

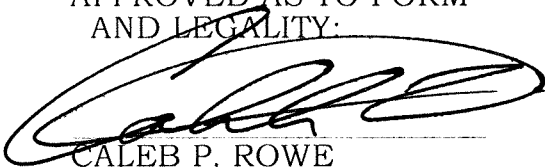
Resolution No. _____

1. That it hereby approves settlement of Claim No. 30181417769-0001 under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee; and

2. That payment is authorized to satisfy settlement of this claim following the execution of the "Release and Indemnity Agreement" by Krist Baybayan; and

3. That certified copies of this Resolution be transmitted to the Mayor, the Director of Finance, the Director of Parks & Recreation, and the Corporation Counsel.

APPROVED AS TO FORM
AND LEGALITY:



CALEB P. ROWE
Deputy Corporation Counsel
County of Maui
RISK 2018-0600